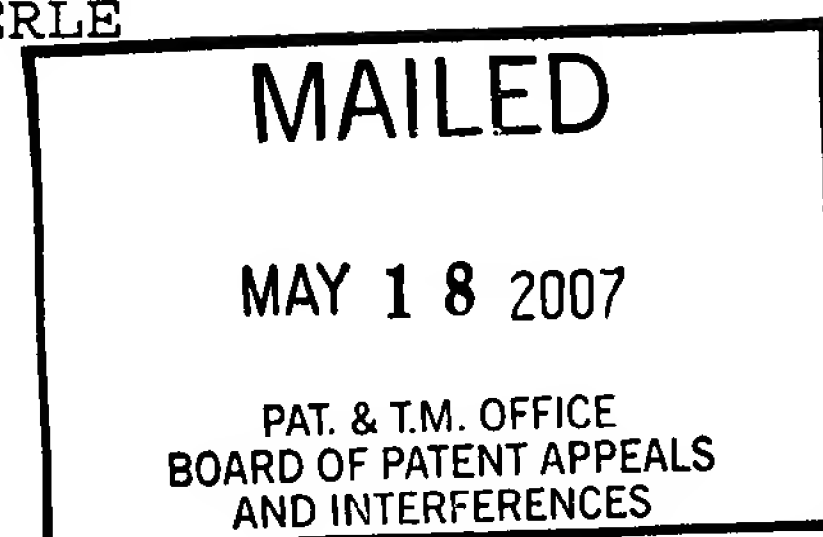


UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte CHRISTIAN KNOPFLE, KARL GREINER,
THORSTEN FRANK, and HANS-URS ECKERLE

Application No. 09/921,233



ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences on April 2, 2007. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below.

On December 6, 2005, the examiner mailed an examiner's answer. In the Evidence Relied Upon section, paragraph (8), the examiner stated that "No evidence is relied upon by the examiner in the rejection of the claims under appeal." A review of the

Application No. 09/921,233

file reveals that various references were applied to the statement of rejections in the Grounds of Rejection section, paragraph (9), of the examiner's answer.

Before further review, the examiner must mail a PTOL-90 that will include in the amended Evidence Relied Upon section, the list of references mentioned in the statement of rejections. See the Manual of Patent Examining Procedure, (MPEP) § 1207.02. Appropriate correction is required.


In addition, the Information Disclosure Statement dated October 20, 2003, was not fully considered by the Primary Examiner with respect to compliance with the criteria set forth in 37 CFR §§ 1.97 and 1.98. A written communication notifying appellants of the Primary Examiner's decision is required.

Accordingly, it is **ORDERED** that this application is returned to the examiner to:

1) issue and mail a PTOL-90 having the missing references listed under the Evidence Relied Upon section, heading (8) of the Examiner's Answer; 2) fully consider the Information Disclosure Statement dated October 20, 2003; 3) written communication to appellants of such consideration; and 4) for such further action as may be appropriate.

Application No. 09/921,233

BOARD OF PATENT APPEALS
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